

COUNTY OF SUFFOLK



STEVE BELLONE
SUFFOLK COUNTY EXECUTIVE

DENNIS M. COHEN
COUNTY ATTORNEY

DEPARTMENT OF LAW

February 22, 2023

Honorable Anne Y. Shields, U.S.M.J.
United States District Court, Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

RE: *Jacobs v. County of Suffolk, et al.*
21-cv-3268 (NRM)(AYS)

Dear Judge Shields:

The Suffolk County Attorney's Office represents the County Defendants in the above-referenced case. Plaintiff is represented by Kenneth Auerbach and Amanda Spinner of Cartier, Bernstein, Auerback and Steinberg, P.C. The parties are in receipt of the Court's Scheduling Order dated November 15, 2022 which, *inter alia*, set February 28, 2023 as the deadline for fact discovery in this matter.

Due to the respective schedules of counsel, as well as Plaintiff's ongoing health issues, Plaintiff's deposition has been scheduled and rescheduled twice since our last correspondence. This is due, in part, to the fact that the undersigned was on trial in the matter of *Hart v. County of Suffolk, et al* (17-cv-5067 (LGD)) in the Eastern District the week of December 6, 2022 which resulted in protracted motion practice which has not been resolved and was scheduled to commence trial in the Eastern District on February 7, 2023 in the matter of *Costanzo v. County of Suffolk, et al* (16-cv-3871 (JMA)(ARL)) which was adjourned to February 27, 2023 due to the undersigned's own personal medical issues which resulted in hospitalization two weeks ago. Additionally, Plaintiff's Counsel was on trial for approximately one (1) month in another matter which only concluded recently.

Most recently, the parties had scheduled Plaintiff's deposition for yesterday—February 21, 2023—and were prepared to go forward as planned. However, on February 17, 2023, the undersigned was contacted by Plaintiff's Counsel, Ms. Spinner, and informed that Plaintiff fell and broke her hip last week and would be unable to partake in her deposition yesterday as planned, thus necessitating further rescheduling. Ms. Spinner informed the undersigned yesterday that Plaintiff is currently in a rehabilitation facility while her broken hip heals with no projected date for her release at this time. As the Court may recall, Plaintiff has had a number of different health issues since the commencement of this case which have necessitating two prior

LOCATION
H. LEE DENNISON BLDG.
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-4049
TELECOPIER (631) 853-5169

requests for discovery extensions, both on consent. Additionally, Ms. Spinner has advised me that based upon the upcoming schedule of Plaintiff's Counsel and Plaintiff's medical issues cited herein and the prognosis for same, they are unable to conduct her deposition until June. Notably, the undersigned is also starting another trial in the Eastern District on April 17, 2023 (*McDevitt v. County of Suffolk, et al* (16-cv-4164 (GRB)(ST)).

Based on the issues cited herein and the expectation of post-deposition demands arising from Plaintiff's deposition and the subsequent anticipated depositions of defendants, the parties jointly respectfully request that the current deadlines in the discovery schedule in this case be amended as follows:

Deadline to complete fact discovery: August 25, 2023

Deadline for Counsel for the parties to submit a joint status letter advising whether the parties will be using any experts in this matter, the number of such experts and the matters as to which they will testify: September 22, 2023

We also wish to advise the Court at this time that we are actively engaged in settlement negotiations in the hopes of resolving this case without the parties incurring the cost of further discovery and depositions. Should the Court wish to schedule a status conference to discuss this, as well as the issues referenced herein, Ms. Spinner and I will make ourselves available to do so.

We thank the Court for its attention to this matter.

Very truly yours,

Dennis M. Cohen
County Attorney
/s/ Stacy A. Skorupa
By: Stacy A. Skorupa
Assistant County Attorney

Cartier, Bernstein, Auerback and Steinberg, P.C.
Attorneys for Plaintiff
/s/ Amanda Spinner
By: Amanda Spinner